

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

William Howell,

Case No. 24-cv-3618 (JMB/DTS)

Plaintiff,

v.

REPORT AND RECOMMENDATION

Regions Hospital,

Defendant.

In a letter dated September 11, 2024, the Clerk of Court directed plaintiff William Howell to either pay the filing fee for this matter or submit an application to proceed *in forma pauperis* (IFP). See Docket No. 2. Howell was given 15 days to pay the filing fee or apply for IFP status, failing which—he was warned—this action could be dismissed without prejudice. *Id.*

That deadline has now passed, and Howell has not paid the required filing fee or submitted an IFP application. In fact, Howell has not communicated with the Court about this case at all since commencing this action. Accordingly, this Court now recommends, consistent with the warning previously given to Howell, that this action be dismissed without prejudice under Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute. See *Henderson v. Renaissance Grand Hotel*, 267 F. App'x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

RECOMMENDATION

For the reasons set forth above, the Court RECOMMENDS THAT: this action be DISMISSED WITHOUT PREJUDICE under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: October 9, 2024

s/David T. Schultz
DAVID T. SCHULTZ
U.S. Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. See Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).